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WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAFAYETTE DIVISION

MONTREAL SHANIA COLLA

CIVIL ACTION NO.: 09-0609

VERSUS

JUDGE DOHERTY

WESTERN-SOUTHERN LIFE INS. CO., ET AL.

MAGISTRATE JUDGE HILL

MEMORANDUM RULING

Currently pending before this Court is a Motion for Summary Judgment [Doc. 16], filed by defendants Western-Southern Life Insurance Co. and Western-Southern Life Assurance Co. ("Western-Southern").

This lawsuit arises out of a claim by the heirs of Ms. Jacqueline Colla to collect the proceeds of a \$100,000.00 whole life insurance policy. Western Southern denied the claim because of Ms. Colla's intentional misrepresentation of her medical history in the policy application. Western Southern seeks dismissal of all of plaintiff's claims against the insurance companies in the instant lawsuit on grounds there are no disputed material facts, and the plaintiff is not entitled to recover any benefits under the policy under the applicable law because of Ms. Colla's intentional misrepresentation of her medical history in the policy application. Plaintiff has not opposed the motion. Therefore, the Motion for Summary Judgment, appearing to be well-founded in law and fact and being unopposed by the plaintiff, is hereby GRANTED. All claims against Western-Southern Life Insurance Co. and Western-Southern Life Assurance Co. are DISMISSED WITH PREJUDICE.

THUS DONE AND SIGNED in Lafayette, Louisiana, this 15 day of February, 2011.


REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE